

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**THIRTY-THIRD LEGISLATIVE DAY
FRIDAY, FEBRUARY 10, 2012**

House of Representatives

The House convened at 8:30 a.m., the Speaker in the Chair.

Roll call showed 60 members present.

Absent and excused – Anderson, Batt, Bilbao, Block, Buckner-Webb, Crane, Harwood, Loertscher, Schaefer, Smith(24). Total – 10.

Total – 70.

Prayer was offered by Pastor Gary Moore.

The Pledge of Allegiance was led by Abigail Prigge, Page.

Approval of Journal

February 10, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-second Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

February 9, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1223](#), [S 1257](#), [S 1258](#), and [S 1267](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1223](#), [S 1257](#), [S 1258](#), and [S 1267](#) and, when so signed, ordered them returned to the Senate.

Report of Standing Committees

February 10, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 500](#), [H 501](#), [H 502](#), [H 503](#), [H 504](#), [H 505](#), [H 506](#), [H 507](#), [H 508](#), [H 509](#), [H 510](#), [H 511](#), [H 512](#), [H 513](#), [H 514](#), [H 515](#), and [H 516](#).

WILLS, Chairman

[H 500](#), [H 501](#), [H 502](#), and [H 503](#) were referred to the Health and Welfare Committee.

[H 504](#), [H 505](#), [H 506](#), [H 507](#), and [H 508](#) were referred to the Local Government Committee.

[H 509](#), [H 510](#), and [H 511](#) were referred to the Transportation and Defense Committee.

[H 512](#) and [H 513](#) were referred to the Agricultural Affairs Committee.

[H 514](#) was referred to the Judiciary, Rules, and Administration Committee.

[H 515](#) was referred to the State Affairs Committee.

[H 516](#) was filed for second reading.

February 10, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 357](#) and [H 363](#) to the Governor at 1:35 p.m., as of this date, February 9, 2012.

WILLS, Chairman

February 9, 2012

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 407](#), [H 408](#), [H 409](#), and [H 469](#) and recommend that they do pass.

BLACK, Chairman

[H 407](#), [H 408](#), [H 409](#), and [H 469](#) were filed for second reading.

February 9, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 455](#) and [H 475](#) and recommend that they do pass.

WILLS, Chairman

[H 455](#) and [H 475](#) were filed for second reading.

February 9, 2012

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 379](#), [H 460](#), [H 462](#), [H 463](#), and [H 464](#) and recommend that they do pass.

STEVENSON, Chairman

[H 379](#), [H 460](#), [H 462](#), [H 463](#), and [H 464](#) were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 33 BY REVENUE AND TAXATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE STATE TAX COMMISSION RELATING TO INCOME TAX ADMINISTRATIVE RULES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the State Tax Commission relating to Income Tax Administrative Rules is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 35.01.01, State Tax Commission, Income Tax Administrative Rules, Section 263, Subsection 04, only, adopted as a pending rule under Docket Number 35-0101-1102, be, and the same is hereby rejected and declared null, void and of no force and effect.

**HOUSE CONCURRENT RESOLUTION NO. 34
BY ENVIRONMENT, ENERGY, AND TECHNOLOGY
COMMITTEE**

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND ADOPTING THE IDAHO ENERGY PLAN APPROVED BY THE LEGISLATIVE COUNCIL INTERIM COMMITTEE ON ENERGY, ENVIRONMENT AND TECHNOLOGY ON JANUARY 10, 2012, AS THE STATE ENERGY PLAN.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, in 2011, the members of the First Regular Session of the Sixty-first Idaho Legislature adopted House Concurrent Resolution No. 4 which authorized the Legislative Council to appoint a committee to undertake and complete a study of the 2007 Integrated State Energy Plan that provides for the state's power generation needs and protects the health and safety of the citizens of Idaho and the products produced in this state, and to make any recommendations for necessary changes in both state law and the plan regarding energy in the state and to monitor other energy, environment and technology related issues; and

WHEREAS, the Legislative Council Interim Committee on Energy, Environment and Technology met on ten separate days and received testimony and input from stakeholders and citizens during the legislative interim in 2011; and

WHEREAS, the Legislative Council Interim Committee on Energy, Environment and Technology adopted the Idaho Energy Plan on January 10, 2012; and

WHEREAS, it is the desire of the Legislature to ratify this plan, while at the same time making it a living, breathing plan with the intent that it be revisited at a minimum of once every five years.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we formally adopt the Idaho Energy Plan as adopted by the Legislative Council Interim Committee on Energy, Environment and Technology on January 10, 2012, as the State Energy Plan and that the Legislature update this plan at a minimum of once every five years.

BE IT FURTHER RESOLVED that the Legislative Council Interim Committee on Energy, Environment and Technology shall cause to have printed 200 copies of the plan from funds from the Legislative Account. The Office of Energy Resources is requested to make an electronic copy of the plan available on its website.

HCR 33 and **HCR 34** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 517
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO ADJUSTMENTS TO IDAHO TAXABLE INCOME; AMENDING SECTION 63-30220, IDAHO CODE, TO REMOVE LANGUAGE DISALLOWING DEDUCTION OF CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 518
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO CIGARETTE ROLLING MACHINES; AMENDING CHAPTER 84, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-8420, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT; AMENDING CHAPTER 84, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-8421, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 84, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-8422, IDAHO CODE, TO PROVIDE CERTIFICATION FOR CIGARETTE ROLLING MACHINE OPERATORS; AMENDING CHAPTER 84, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-8423, IDAHO CODE, TO ESTABLISH REQUIREMENTS FOR CERTIFICATION; AMENDING CHAPTER 84, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-8424, IDAHO CODE, TO PROVIDE THE ATTORNEY GENERAL AND DISTRICT COURT AUTHORITY TO ENFORCE AND ENTER ORDERS FOR VIOLATIONS OF THIS ACT; AND AMENDING CHAPTER 84, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-8425, IDAHO CODE, TO PROVIDE FOR RULEMAKING.

**HOUSE BILL NO. 519
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO TAXATION; AMENDING SECTION 63-602W, IDAHO CODE, TO PROVIDE THAT CERTAIN SITE IMPROVEMENTS SHALL BE EXEMPT FROM PROPERTY TAXATION; AMENDING SECTION 63-301A, IDAHO CODE, TO PROVIDE FOR A REDUCTION IN VALUE TO BE ADDED TO THE NEW CONSTRUCTION ROLL FOR THE EXEMPTION FOR SITE IMPROVEMENTS AND TO PROVIDE CORRECT CODE CITATIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 520
BY ENVIRONMENT, ENERGY, AND TECHNOLOGY
COMMITTEE
AN ACT**

RELATING TO ELECTRICAL CONTRACTORS AND JOURNEYMEN; AMENDING SECTION 54-1016, IDAHO CODE, TO PROVIDE AN ADDITIONAL EXEMPTION.

**HOUSE BILL NO. 521
BY EDUCATION COMMITTEE
AN ACT**

RELATING TO EDUCATION; AMENDING SECTION 33-118A, IDAHO CODE, TO REMOVE CERTAIN LANGUAGE RELATING TO A COMPLETE AND CATALOGED LIBRARY OF CURRICULAR MATERIALS.

HOUSE BILL NO. 522
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
 AN ACT

RELATING TO PUBLIC ASSISTANCE BENEFIT CARDS; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-227F, IDAHO CODE, TO PROVIDE FOR PROHIBITED USES OF PUBLIC ASSISTANCE BENEFIT CARDS BY RECIPIENTS, TO REQUIRE CERTAIN BUSINESSES TO COMPLY WITH PROHIBITED USES OF PUBLIC ASSISTANCE BENEFIT CARDS, TO AUTHORIZE THE DEPARTMENT TO NOTIFY A BUSINESS AND A LICENSING AUTHORITY IF A BUSINESS DOES NOT COMPLY WITH THE PROHIBITED USES OF PUBLIC ASSISTANCE BENEFIT CARDS, TO PROVIDE THAT ONLY A RECIPIENT OR AUTHORIZED USER CAN USE A PUBLIC ASSISTANCE BENEFIT CARD, TO REQUIRE THE DEPARTMENT TO PROVIDE NOTICE TO RECIPIENTS, TO PROVIDE FOR A PENALTY, TO DEFINE TERMS AND TO PROVIDE FOR ENFORCEMENT.

HOUSE BILL NO. 523
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
 AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1352A, IDAHO CODE, TO PROVIDE THAT CERTAIN REGISTRATIONS REGARDING ELECTIONS TO BE EXEMPT FROM UNEMPLOYMENT INSURANCE COVERAGE SHALL REMAIN IN EFFECT FOR AT LEAST TWO CONSECUTIVE CALENDAR YEARS, TO PROVIDE AN EFFECTIVE DATE FOR REGISTRATIONS RECEIVED WITHIN A SPECIFIED TIME FRAME AND TO PROVIDE THAT SUCH REGISTRATIONS SHALL REMAIN IN EFFECT FOR AT LEAST TWO CONSECUTIVE CALENDAR YEARS, TO PROVIDE THAT WITH THE EXCEPTION OF SPECIFIED EXEMPTIONS, OTHER EXEMPTIONS SHALL NOT BE RETROACTIVE AND TO PROVIDE FOR REGISTRATIONS REGARDING NEWLY FORMED CORPORATIONS RELATING TO EXEMPTIONS FROM UNEMPLOYMENT INSURANCE COVERAGE; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 524
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO THE PUBLIC DEPOSITORY LAW; AMENDING SECTION 57-128, IDAHO CODE, TO REVISE WHAT QUALIFIES AS A PUBLIC DEPOSITORY; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 525
BY RESOURCES AND CONSERVATION COMMITTEE
 AN ACT

RELATING TO GAME TAGS; AMENDING SECTION 36-409, IDAHO CODE, TO PROVIDE FOR FISH AND GAME COMMISSION RULES TO ALLOW EXCEPTION FROM REQUIRED TAG POSSESSION FOR DISABLED HUNTERS UPON CERTAIN CIRCUMSTANCES OCCURRING.

HOUSE BILL NO. 526
BY RESOURCES AND CONSERVATION COMMITTEE
 AN ACT

RELATING TO OIL AND GAS; AMENDING SECTION 47-325, IDAHO CODE, AS AMENDED IN SECTION 3 OF HOUSE BILL NO. 463, AS ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO PROVIDE THAT CERTAIN VIOLATIONS MAY BE PUNISHABLE BY OTHER LIKE CIVIL PENALTIES AS DETERMINED BY THE OIL AND GAS CONSERVATION COMMISSION, TO PROVIDE THAT CERTAIN CIVIL PENALTIES SHALL BEGIN TO ACCRUE NO EARLIER THAN THE DATE NOTICE OF VIOLATION AND OPPORTUNITY FOR A HEARING ARE GIVEN AND TO PROVIDE THAT ANY PERSON WHO KNOWINGLY FAILS OR REFUSES TO COMPLY WITH CERTAIN SPECIFIED REQUIREMENTS OR WHO KNOWINGLY INTERFERES WITH THE COMMISSION, ITS AGENTS, DESIGNEES OR EMPLOYEES IN THE EXECUTION OR ON ACCOUNT OF THE EXECUTION OF CERTAIN DUTIES SHALL BE GUILTY OF A MISDEMEANOR AND SUBJECT TO SPECIFIED PENALTIES.

[H 517](#), [H 518](#), [H 519](#), [H 520](#), [H 521](#), [H 522](#), [H 523](#), [H 524](#), [H 525](#), and [H 526](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 473](#) and [H 368](#), as amended, by Transportation and Defense Committee, were read the second time by title and filed for third reading.

[H 389](#), by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

[H 372](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[H 387](#), as amended, by Local Government Committee, was read the second time by title and filed for third reading.

[H 388](#), as amended, by Health and Welfare Committee, was read the second time by title and filed for third reading.

[H 393](#), as amended, by Education Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that the bills on the Third Reading Calendar retain their places until Monday, February 13, 2012. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Monday, February 13, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 8:47 a.m. LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk